

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

10 JOE MATTHEW CRUZ,)
11 Petitioner,) 3:10-cv-00522-RCJ-VPC
12 vs.) **ORDER**
13 JACK PALMER, *et al.*,)
14 Respondents.) /

16 This closed case is a *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.
17 On July 30, 2013, this Court entered an order denying the habeas petition and denying a certificate of
18 appealability. (ECF No. 13). Judgment was entered the same date. (ECF No. 14). Petitioner filed a
19 notice of appeal on September 3, 2013. (ECF No. 15). Pending before this Court is Petitioner's
20 motion to proceed *in forma pauperis* on appeal. (ECF No. 17).

21 Based on the information in Petitioner's application to proceed *in forma pauperis* on appeal,
22 the application is granted. Petitioner will not be required to prepay any portion of the \$455.00 filing
23 fee for his appeal.

24 **IT IS THEREFORE ORDERED** that Petitioner's application to proceed *in forma pauperis*
25 on appeal (ECF No. 17) is **GRANTED**. Petitioner shall not be required to make any prepayment of
26 the filing fee for his appeal.

IT IS FURTHER ORDERED that the Clerk shall send a copy of this order to the United States Court of Appeals for the Ninth Circuit.

Dated this 15th day of October, 2013.

R. James
UNITED STATES DISTRICT JUDGE